

Application No. 10/802,473

REMARKS/ARGUMENTS

Claims 18-27 are pending in the application, and in the office action dated December 10, 2004, Claims 18-27 were rejected. By this amendment, claim 18 has been amended and claims 28-34 have been added. Reconsideration and favorable action are requested

Section 102 Rejection

Claims 18, 21 and 23-27 are rejected under 35 USC Section 102 as being anticipated by Bard (5486944). This rejection is respectfully traversed.

The second sentence of this rejection begins on page two as follows:

"Iseki et al discloses of a laser printer comprising: ..."

The remainder of this paragraph is clearly discussing the Bard reference, and so the applicant is assuming that the reference to "Iseki" was a typographical error. There is another error in the quoted portion of the sentence that is substantive. Bard does not disclose a laser printer. Instead, Bard discloses a scanner for a bar code reader. The word printer does not appear in the Bard reference, and it is respectfully submitted that a bar code reader is not analogous art to a laser printer. In other words, a person of ordinary skill in the laser printer art would not think to consult the teachings of a bar code reader in constructing a laser printer. Therefore, it is respectfully submitted that claim 18 defines over the reference because, contrary to the statement in the office action, Bard does not disclose a laser printer.

Again, the applicant is assuming that the reference to Iseki was intended to be a reference to Bard. If this assumption is incorrect, the examiner is requested to call the undersigned.

The Bard reference is deficient in other ways. Bard does not disclose "an imaging surface disposed in the path of the scanning pattern so that the laser beam scans across the imaging surface" which is found in line 17 of claim 18. The applicant does not understand precisely what the office action asserts to be an "imaging surface" in the Bard reference. The office action refers to an imaging surface speed (38), but the reference numerals 38 generally refer to the scanner module. The only moving surface in the scanning module is the reflective surface, a

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mirror. Claim 18 at line 9 recites a reflective surface, and we assume that the examiner is reading that portion of the claim on the reflective surface of the Bard reference. Therefore, the applicant does not precisely know what is believed to be the imaging surface. However, the applicant would respectfully submit that there is nothing within the scanning module that could correspond to an imaging surface.

The reflective surface 72 of the Bard reference cannot be the imaging surface of claim 18 for another reason. Claim 18 requires that the laser beam scans across the imaging surface. The oscillating reflective surface 72 causes a laser beam to scan, but the laser beam does not scanned across the surface 72. The laser beam striking the surface 72 is stationary.

In addition, claim 18 provides for "a drive mechanism for moving the imaging surface at an imaging surface speed." (claim 18, line 19). There is no imaging surface in the Bard reference and therefore there is no drive mechanism moving an imaging surface.

Claims of 21 and a 23-27 are dependent on claim 18 and add additional important features.

For these reasons, it is respectfully submitted that claim 18 and claims 21 and 23-27 are not anticipated by the Bard reference and allowance of these claims is requested.

Section 103 Rejection

Claims and 19 and 20 were rejected under 35 USC Section 103 as being unpatentable over Bard in view of Dostal (3,532,408). This rejection is respectfully traversed.

As a first observation, Dostal discloses that the disclosed device would be useful in a long list of devices at column 1, lines 38-45, but it does not mention printers. It is submitted that a person of ordinary skill in the art would not consult the devices described in the Dostal patent to design a printer. Thus, Dostal is not analogous art. In addition, even if combined with Bard, the references do not cure the deficiencies discussed above with regard to Claim 1.

In addition, the claims have been amended to further distance themselves from this combination of references. Claim 19 was amended to provide that the plate is selected from the group consisting of oval, elliptical, racetrack or circular. Claim 20 was amended to provide that

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the reflective surface was selected from the same group of shapes, except circular was omitted. Considering the comments with regard to claims 1, 19 and 20 and the amendments to claims 19 and 20, it is believed that claims 19 and 20 are in condition for allowance and such action is requested.

Newly Added Claims

New claims 28-30 specify that various parts of the device are made of silicon. In this context, the silicon limitation is important. It is unusual to make these types of parts form silicon. For example, one of skill in the laser printer art would not normally think of silicon as a material for making a spring. Claim 32 requires the imaging surface to be a printer drum and there is no disclosure in the references of using a printer drum in the combination of Claim 32. Claim 33 is an independent claim that is identical to claim 18 except that the word "silicon" was added to the claim and Claim 34 is identical to claim 18 except that "imaging surface" has been changed to "printer drum" in all three places. The references do not disclose the combinations defined by these new claims and allowance is respectfully requested.

The applicant has now made an earnest effort to place this case in condition for allowance and such action is requested. If the Examiner believes that there are remaining issues and that a phone call would promote the early disposition of this case, the Examiner is requested to call the undersigned.

In the event this response is not timely filed, Applicants hereby petition for the appropriate extension of time and request that the fee for the extension along with any other fees which may be due with respect to this paper be charged to our Deposit Account No. 12-2355.

Respectfully submitted,
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I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent Office, Fax No. 703-872-9306, Attn: Examiner Euncha P. Cherry, Group Art Unit 2872.

March 2, 2005
Date


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